

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MARIBEL ALICEA,

Plaintiff,

v.

MICHAEL J. ASTRUE, COMMISSIONER
OF SOCIAL SECURITY,¹

Defendant.

5:07-CV-65 (NAM/GJD)

Civil Action No. ~~07-0065 (NAM)(GJD)~~

**CONSENT ORDER TO
REMAND PURSUANT TO
SENTENCE 4 OF
42 U.S.C. §405(g)**

This matter having been opened to the Court by GLENN T. SUDDABY, United States Attorney for the Northern District of New York, and SUSAN C. BRANAGAN, Special Assistant United States Attorney, attorneys for Defendant, for an Order remanding the within cause of action to the Defendant pursuant to sentence four of 42 U.S.C. § 405(g) so that further administrative action may be taken; and Plaintiff, through the undersigned attorney, having consented to the within order and the requested remand, and the Court having considered the matter,

IT IS on this 10th day of September, 2007;

ORDERED that the final decision of the Commissioner be and hereby is REVERSED, and the matter is REMANDED to the Defendant for further administrative action, and it is further

¹ Michael J. Astrue became the Commissioner of Social Security on February 12, 2007. Pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure, Michael J. Astrue should, therefore, be substituted for Commissioner Jo Anne B. Barnhart as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

ORDERED that the within matter, be and hereby is, DISMISSED in accord with the decision in Melkonyan v. Sullivan, 501 U.S. 89 (1991).



Hon. Gustave J. DiBianco
United States District Court

The undersigned hereby consent to the form and entry of the within order.

GLENN T. SUDDABY
United States Attorney

By: /s/ Susan C. Branagan
SUSAN C. BRANAGAN
Special Assistant U.S. Attorney
Bar No. 514085

LEGAL SERVICES OF CENTRAL NEW YORK

By: /s/ Christopher Cadin
Christopher Cadin, Esq.
Attorney for Plaintiff